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SPEECH

OF

HON. E. JOY MORRIS,
OF PENNSYLVANIA,

ON THE

ELECTION OF SPEAKER, AND IN DEFENSE OF THE
NORTH;

25.10
DELIVERED

IN THE HOUSE OF REPRESENTATIVES, DECEMBER 8, 1859



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1887

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UNION, PATRIOTISM, AND PEACE.

Mr. MORRIS, of Pennsylvania, said:

Mr. CLERK: Occupying, as I do, a perfectly independent political position, I am at liberty, free from any particular party bias, to vote in the election of Speaker, and on all questions which shall come before the House, when it shall have been duly organized, according to my sense of duty to the country and my constituents. In such a position, I do not sympathize with extreme men and measures, on either hand, and shall, as far as possible, avoid any countenance of, or participation in, the discussion of topics of an exclusively sectional character, introduced merely to stimulate party passions, and inflame local prejudices.

As a Representative, Mr. Clerk, of an eminently conservative constituency, I am surprised to see the deeply exciting question of slavery, the agitation of which has been so constantly deprecated as inflaming the public mind and disturbing the peace of the country, prematurely introduced here by gentlemen representing slaveholding constituencies. Sir, I am opposed to all unnecessary agitation on the subject. I am willing to meet it only when it comes before us in the ordinary action of a legislative body. But I protest against its being thrust upon us now, before the House is organized, and to the obstruction of public business, and in order to confuse the election of Speaker.

There are many tests, Mr. Clerk, of the fidelity of men to the Constitution of the United States, and to the union and harmony of the country. Crises in our political history from time to time occur which put men's principles to a stern proof, when loyalty to the party and devotion to the country come in conflict; when the voice of patriotism

or faction must be heeded; when the popular will or that of the Executive must be observed. In such a crisis stood my honorable friend from Ohio [Mr. SHERMAN] in the last Congress, during the memorable struggle on the admission of Kansas under the Lecompton constitution. Upon our action at that time depended not only the tranquility of the particular district of country about which we were legislating, but the peace of the whole nation.

Under previous legislation the people of Kansas were allowed to determine for themselves whether they would come into the Union as a free or slave State. While engaged in the solution of that important question, every act of fraud, violence, and ruffianism perpetrated against them, to prevent the free expression of opinion, was countenanced by this wicked Administration, and a constitution was brought into this House which was not the act of the people of Kansas. It was fraudulent from beginning to end; one which would not bear the test of investigation. When the House raised a committee for the purpose of investigating the frauds with which it was tainted, the Speaker—for whom I entertain personally the most profound respect—violated the first principles of parliamentary law, and appointed a majority on the committee opposed to the very object for which the House had created it, and thus defeated the exposure of the iniquitous proceedings by which the legal voice of the people of Kansas had been counterfeited.

Here we sat, sir, for months, debating whether the mandate of an arbitrary Executive should be obeyed, and that fraudulent constitution be forced on Kansas by the Federal Government. We knew

that if it were, it would lead to a bloody civil war—a war that might overspread the limits of Kansas, and embrace the whole nation in its flames. Where stood my honorable friend from Ohio, [Mr. SHERMAN?] With his back firmly set against this despotic Administration, nobly maintaining the cause of law and order, and the rights of the people, yielding not an inch during all that glorious struggle of popular privilege against Executive usurpation; from first to last, true as steel to truth and justice, foremost among the most able champions of the people. For his gallant conduct during all that contest, he shall have my vote, as long as there is a possibility of electing him Speaker of this House.

I know, sir, that there is not in this House a member more obnoxious, politically, to the Administration, than the gentleman from Ohio, [Mr. SHERMAN,] and whose election as Speaker is more justly dreaded by it. To him the country is indebted for the investigation in the last Congress which brought to light the abuses and corruptions of the naval department, and which led to reformatory legislation, by which the Treasury will be in future guarded against similar practices. If further investigation is necessary into the conduct of the Administration—and if rumor and general suspicion are to be relied on it is absolutely necessary—the Administration has just reason to fear from the well known firmness and integrity of character of my friend [Mr. SHERMAN] that he will so appoint the requisite committees, as to procure a thorough and unsparing scrutiny into all the malpractices of the Government. The fact that his resoluteness of purpose and fearless energy in the exposure of corruption, has provoked the fierce and malignant hate of the ruling dynasty and its servile minions, should commend him to the support of all who wish to see the purity of the Government vindicated, and venality and political profligacy chastised with the scorpion lash of public indignation.

My constituents, Mr. Clerk, have too great interests at stake in the organization of this House to permit me to hesitate as to my choice of Speaker. I will vote for no candidate for that office who is not a true and proved friend of the cause of protection. I know Mr. SHERMAN to be such, and I know that he will so organize the Committee of Ways and Means as to give that question a fair hearing, when a proposition for a revision of the tariff shall come before it. We have a right to expect that the business wants of the country shall

be taken into consideration; that remedial measures shall be applied to existing evils, and that the voice of the great productive masses shall at least be heard and respected in the committee specially charged with the protection of their interests. The election of my friend from Ohio will be the surest guarantee of the realization of such a hope.

But, sir, apart from all this, I know the gentleman from Ohio [Mr. SHERMAN] to be a man of just and equable temper, of a fair and honorable nature, and incapable of perverting parliamentary law into an instrument of partisan despotism. If I knew him to be otherwise, or if I had the slightest doubt on the subject, I would not give him my vote at any time; as I will never aid in placing in that chair, Mr. Clerk, any man who will not administer the rules of the House with equal and exact justice to all parties.

But, Mr. Clerk, we are told that Mr. SHERMAN is one of those who signed the recommendation in favor of Helper's book. Very well, sir; I did not sign it, and I claim no particular credit for not doing so. I have read but little of the book. So far as I do know anything about it, I understand that it is a work written by a native of a southern State; a book peculiarly and almost exclusively addressed to southern men, reciting the experiences of a southern man, and drawing a comparison between the productiveness and the utility of free and slave labor. The book, sir, must fall or stand upon its own merits. And what is done here? Why, gentleman magnify this book into a tremendous engine of mischief. They proclaim that this book and all who indorse it are capable of producing infinite mischief to the peace of this country. They proclaim that all who indorse it indorse treason. Has not my honorable friend said that, in so far as that book expresses anything contrary to the Constitution of the United States, so far he condemns it. Could any declaration be more unreserved, more candid, and, I may add, more acceptable, if gentlemen are willing to believe in the veracity of their peers upon this floor? What have we to do with Mr. Helper's book more than with any other book? Are we to sit here, as a college of Jesuit censors, to expurgate the literature of the country? Are we to convert ourselves from a congressional and legislative body into a literary tribunal, and pass in review the merits of every incendiary publication which may be thrown out in the country, and hold gentlemen responsible for the sentiments of that publication in so far as they have read and indorsed it, directly or in-

directly? Why, sir, this is a most extraordinary proceeding. It lifts Mr. Helper into a consequence he never dreamed of attaining. It makes him an enemy of the South more formidable than he ever aimed to be, if, indeed, he aims to be an enemy of the South at all. It makes him an instrument of mischief far beyond his capacity, and far beyond the imagination of his most partial admirers. This book, so full of mischief, which has been occupying the attention of Congress now nearly for an entire week, you have asked the whole people of the United States to read and ponder upon. You have been dwelling and dwelling upon its inflammatory text, so that if it ever had any mischief in it, you have increased the power of that mischief to an incalculable extent.

And, sir, what has been done upon this floor is in perfect consonance with the action of the Democratic party. Who repealed the Missouri compromise? Who broke the bonds of peace which had been signed thirty years before by the wise men of the North and of the South? The Democratic party. Who framed the Kansas-Nebraska bill? The Democratic party. Who refused to carry out the provisions of the Kansas-Nebraska bill? Who deluded the people of Kansas into the idea that they were to have a free expression of their will on their organic form of government, and then denied it them? The Democratic party. Who brings the question of slavery first into this Hall? The Democratic party. Who delays the organization of this House by factious expedients, and keeps the country in a state of dangerous excitement by the violent discussion of the slavery question, when it is totally uncalled for? The Representatives of the Democratic party. For all the sectional bitterness now prevailing, and which grows out of the slavery agitation, the Democratic party is responsible. By that it lives, and by that it will perish.

Notwithstanding these facts, we are daily told that the North is the disturber of the peace of the country; that it is implicated in acts of conspiracy and outrage against the people of the southern States; and that it is responsible for the acts of John Brown, and the sentiments of a few radical and fanatical orators. I am no apologist for the North. The North needs no apology, and has none to give. It is loyal to the Constitution; it is loyal to the Union; and they who seek to misguide and impress the people of the South with the idea that the people of the North, as a body, are hostile to them, do it for the purpose of fac-

tious mischief—a mischief that will have a wider range, and be attended by far more pernicious consequences, than they, in their short-sighted folly, imagine.

Mr. Clerk, God forbid that I, as the Representative of a conservative constituency, should have any part in embroiling different sections of the country, or in misrepresenting one section of the country to the other, for mere political purposes and partisan aims. It is impossible for the people of the North and of the South to live together in amity and concord so long as the actions of individuals, or the actions of small bodies, are taken as indices of dominant sentiment in those sections. Sir, the constituency I in part represent is an eminently loyal one. It has no sympathy with John Brown, or for those who incited him, directly or indirectly, to his mad crusade in Virginia. The people of the city of Philadelphia, where the Hall of Independence still remains, cherish deeply the feelings and motives that led our ancestors to the Declaration of Independence, and the Union which sprang from it. They are animated by the sacred associations of that Hall, and they know that that Union can exist only so long as North and South and all sections respect their respective reserved rights. We of the North insist that we are not to be made a *particeps criminis* in these transactions. We insist that it is a false and unwarranted charge. Yes, sir; it is a libel, it is unjust, and it is a calumny, to hold the whole body of the northern people responsible for the acts of the leader of a band of madmen. Was the whole South, Mr. Clerk, held responsible when the Legislature of South Carolina passed an ordinance deliberately nullifying the laws of the United States? Did we identify the whole South with the people of South Carolina, or with the nullifying party in South Carolina, which was in favor of armed resistance to the laws of the United States? No, sir; we heard from the loyal States of North Carolina, Tennessee, and others, indignant protestations against the South being incriminated in the action of South Carolina.

When the President of the United States, a native of Tennessee, issued his celebrated proclamation against the nullifying resolutions of South Carolina, he met with a response, not from the North alone, but from the East and West, and all the loyal men of the South. And the secession recommendations of the Nashville convention of 1850 fell powerless upon the hearts of the loyal people of the South. We never believed

that the whole people of the South were ripe for these sectional schemes of aggrandizement and separation of the Union. Nor do I believe that any considerable portion of them now, through the agency of secret societies, can be welded together to form a deliberate plan for the establishment of a southern slaveholding confederacy, and a dissolution of the Union for that purpose. You might as well expect the people of the North to identify the whole people of the South with the reopening of the slave trade. You might as well expect us to believe that everybody there is in favor of the revival of that accursed traffic, because certain leading public men and presses advocate it. On the contrary, we know that one, at least, of the members of the present Cabinet, and that some of the chief statesmen of the South are arrayed against it, and we know that all truly humane and Christian men there abhor this infamous scheme. We have no fears upon that subject.

Then why, gentlemen of the South, why, when we refuse to involve you in these general charges and odious suspicions as an entire people, do you persist in this war of crimination and misrepresentation against the North, when you cannot

really believe in your hearts that the whole people of that part of the country entertain unconstitutional designs against the South? No, sir; for one I am for the Union; I am for peace; I am for law; and never until the last moment shall I despair of making this glorious Union, and the Constitution dependent upon it, perpetual. I hope we may be able to live together like a band of brothers; but, sir, we never can, so long as gentlemen come into this Hall and insist upon a course of misrepresentation, and upon involving innocent people in the acts of a criminal few.

In the name of my constituents of Philadelphia, at least, and of the patriot State of Pennsylvania, I protest against the assaults upon our character as a law-observing and constitutionally loyal people. There is not a city or State that is more ready to resist aggression in every shape and form in which it may be made against the people of any portion of the Union. We will defend the constitutional rights of others, with the same zeal that we assert and maintain our own.

WE ARE FOR THE UNION AND CONSTITUTION IN THEIR FULL SUPREMACY, AND AGAINST ALL WHO WOULD IMPAIR THE EXISTENCE OF THE ONE OR OBSTRUCT THE OPERATION OF THE OTHER.

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DUTIES OF MASSACHUSETTS AT THIS CRISIS.

A SPEECH of HON. CHARLES SUMNER, delivered at
the Republican Convention at Worcester, Sept. 7, 1854.

Mr. President and Fellow Citizens of Massachusetts: After months of anxious, constant service in another place, away from Massachusetts, I am permitted again to stand among you, my fellow citizens, and to draw satisfaction and strength from your generous presence. [Applause.] Life is full of changes and contrasts. From slave soil I have come to free soil. [Applause.] From the tainted breath of Slavery I have passed to this bracing air of Freedom. [Applause.] And the heated antagonism of debate, shooting forth its fiery cinders, is changed into this brimming, o'erflowing welcome, where I seem to lean on the great heart of our beloved Commonwealth, as it palpitates audibly in this crowded assembly. [Loud and long applause.]

Let me say at once, frankly and sincerely, that I have not come here to receive applause or to give occasion for any tokens of public regard; but simply to unite with my fellow citizens in new vows of duty. [Applause.] And yet I would not be thought insensible to the good will now swelling from so many honest bosoms. It touches me more than I can tell.

During the late session of Congress, an eminent supporter of the Nebraska Bill said to me, with great animation, in language which I give with some precision, that you may appreciate the style as well as the sentiment: "I would not go through all that you do *on this nigger question*, for all the offices and honors of the country." To which I naturally and promptly replied: "Nor would I for all the offices and honors of the country." [Laughter and long applause.] Not in these things can be found the true inducements to this warfare. For myself, if I have been able to do any thing in any respect not unworthy of you, it is because I thought rather of those commanding duties which are above office and honor. [Cries of good, good, and loud applause.]

And now, on the eve of an important election in this State, we have assembled to take counsel together, in order to determine in what way best to perform those duties which we owe to our common country. We are to choose eleven Representatives in Congress; also Governor, Lieutenant-Governor, and members of the Legislature, which last will choose a Senator of the United States, to uphold, for five years ensuing, the principles and honor of Massachusetts. If in these elections you were to be governed merely by partialities or prejudices, whether personal or political, or merely by the exactions of party, I should have nothing to say on this occasion, except to dismiss you to your ignoble work. [That is it, good, good.] But I assume that you are ready to renounce these influences and press forward with a single regard to those duties which are now incumbent upon us in National affairs, and also in State affairs.

And here two questions occur which absorb all others. *First*, what are our polit-

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ical duties here in Massachusetts at the present time? and *secondly*, how, and by what agency shall they be performed? What, and how? These are the two questions of which I shall briefly speak, in their order, attempting no elaborate discussion, but simply aiming to state the case so that it may be intelligible to all who hear me.

I. And first, what are our duties here in Massachusetts, at the present time? In unfolding these I need not dwell on the wrong and shame of Slavery, or on the character of the Slave Power—that Oligarchy of slaveholders—which now rules the republic. These you understand. And yet there are two outrages fresh in your recollection, which I must not fail to expose, as natural manifestations of Slavery and the Slave Power. One is the repeal of the prohibition of slavery in the vast Missouri Territory; now known as Kansas and Nebraska, contrary to time-honored compact and plighted faith. The other is the seizure of Anthony Burns, on the free soil of Massachusetts, and his surrender, without judge or jury, to a Slave Hunter from Virginia, to be thrust back into perpetual slavery. [Shame! shame!] These outrages cry aloud to Heaven, and to the people of Massachusetts. [Sensation.] Their intrinsic wickedness is enhanced by the way in which they were accomplished. Of the first, I know something from personal observation; of the latter, I am informed only by public report.

It is characteristic of the Slave Power never to stick at any means supposed to be needful in carrying forward its plans; but never, on any occasion, were its assumptions so barefaced and tyrannical as in the passage of the Nebraska Bill.

This bill was precipitated upon Congress without one word of public recommendation from the President, without notice or discussion in any newspaper, and without a single petition from the people. It was urged by different advocates, on two principal arguments, so opposite and inconsistent, as to slap each other in the face. [Laughter.] One being that, by the repeal of the prohibition, the territory would be absolutely open to the entry of slaveholders with their slaves; and the other being that the people there would be left to determine whether slaveholders should enter with their slaves. With some, the apology was the alleged rights of slaveholders; with others, it was the alleged rights of the people. With some, it was openly the extension of slavery; and with others, openly the establishment of freedom, under the guise of "popular sovereignty." Of course the measure, thus upheld in defiance of reason, was carried through Congress, in defiance of all the securities of legislation.

It was carried, *first*, by *whipping in* to its support, through executive influence and patronage, men who acted against their own declared judgment, and the known will of their constituents; *secondly*, by *foisting out* of place, both in the Senate and House of Representatives, important business, long pending, and usurping its room; *thirdly*, by *trampling under foot* the rules of the House of Representatives, always before the safeguard of the minority; and *fourthly*, by *driving it to a close* during the present Congress, so that it might not be arrested by the indignant voice of the people. Such are some of the means by which the Nebraska Bill was carried. If the clear will of the people had not been disregarded, it could not have passed. If the Government had not nefariously interposed its influence, it could not have passed. If it had been left to its natural place in the order of business, it could not have passed. If the rules of the House and the rights of the minority had not been violated, it could not have passed. If it had been allowed to go over to another Congress, when the people might be heard, it would have been ended—all ended.

Contemporaneously with the final triumph of this outrage—on the very night of the passage of the Nebraska Bill at Washington—another scene, beginning a dismal tragedy, was enacted at Boston. In those streets where he had walked as a Freeman, Anthony Burns was seized as a Slave—under the base pretext that he was a criminal—imprisoned in the court house, which was turned for the time into a fortress and barracoön—guarded by heartless hirelings, whose chief idea of liberty was the license to do wrong—[loud applause and cries of "that's it!" "that's it!" &c.]—escorted by intrusive soldiers of the United States—watched by a prostituted militia—and finally given up to a Slave Hunter by the decree of a petty magistrate, who did not hesitate to take upon his soul the awful responsibility of dooming a fellow-man, in whom he could find no fault, to a fate worse than death. How all this was accomplished, I need not minutely relate. Suffice it to say, that in doing this deed of woe and shame, the liberties of all our citizens, white as well as black, were put in jeopardy—the

Mayor of Boston was converted to a tool—[applause]—the Governor of the Commonwealth to a cipher—[long continued applause]—the laws, the precious sentiments, the religion, the pride and glory of Massachusetts were trampled in the dust, and you and I and all of us fell down while the Slave Power flourished over us. [Shame, shame, and applause.]

These things, in themselves are bad—very bad ; but they are worse when regarded as the natural emanations of the Oligarchy which now sways the country. And it is this Oligarchy which, at every political hazard, we must oppose. Already its schemes of new aggrandizement are displayed. With a watchfulness that never sleeps, and an activity that never tires—with as many eyes as Argus, and as many arms as Briareus—the Slave Power asserts its perpetual supremacy ; now threatening to wrest Cuba from Spain, by violent purchase or more violent war ; now hankering for another slice of Mexico, in order to give new scope to slavery ; now proposing once more to open the hideous, heaven-defying slave-trade, and thus to replenish its shambles with human flesh ; and now by the lips of an eminent Senator asserting an audacious claim to the whole group of the West Indies, whether held by Holland, Spain, France or England, as “ our Southern Islands,” while it assails the independence of Hayti, and stretches its treacherous ambition even to the distant Valley of the Amazon.

In maintaining its power, it has applied a new test for office, very different from that of Jefferson—“ Is he honest ? is he capable ? is he faithful to the Constitution ? ” None of these things are asked, but simply, “ Is he faithful to Slavery ? ” [Cries of “ That’s a fact.”] With arrogant ostracism it excludes from every office all who cannot respond to this test. So complete and irrational has this tyranny become, that, at this moment, while I now speak, could Washington, Jefferson or Franklin, once more descend upon the earth and mingle in its affairs to bless it with their wisdom, not one of them, with his recorded opinions on Slavery, could receive a nomination for the Presidency, from a National Convention of either of the great political parties, nor, stranger still, could he be confirmed by the Senate for any political function under the government. Had this test prevailed in earlier days, Washington could not have been made Commander-in-Chief of the American army ; Jefferson could not have taken his place on the Committee to draft the Declaration of Independence ; and Franklin could not have been sent to France with the commission of the infant republic, to secure the invaluable alliance of that powerful kingdom.

In view of these things, our duties are manifest. First and foremost, the Slave Power itself must be overthrown. Lord Chatham once exclaimed, in stirring language, that the time had been when he was content to bring France to her knees ; now he would not stop till he had laid her on her back. Nor can we be content with less in our warfare. We must not stop till we have laid the Slave Power on its back. [Prolonged cheers.] And, fellow citizens, permit me to say, not till then will the Free States be absolved from all political responsibility for Slavery, and relieved from that corrupt spirit of compromise which now debases, at once, their politics and their religion ; nor till then will there be any repose for the country. [Immense cheering.] Indemnity for the past, and security for the future, must be our watchwords. [Applause.] But these can be obtained only when Slavery is dispossessed of its present vantage-ground, by driving it back exclusively within the limits of the States, and putting the National Government every where within its constitutional sphere, openly, actively and perpetually, on the side of Freedom. The consequences of this change of policy would be of incalculable and far-reaching beneficence. Not only would Freedom become national and Slavery sectional, as was intended by our Fathers ; but the National Government would become the mighty instrument and spokesman of Freedom, as it is now the mighty instrument and spokesman of Slavery. Its power, its treasury, its patronage, would all be turned, in harmony with the Constitution, to promote Freedom. The Committees of Congress, where Slavery now rules, Congress itself, and the Cabinet also, would all be organized for Freedom. The hypocritical disguise or renunciation of Anti-Slavery sentiment would cease to be necessary for the sake of political preferment ; and the slave-holding Oligarchy, banished from the National Government, and despoiled of its ill-gotten political consequence, without ability to punish or reward, would cease to be feared, either at the North or the South, until at last the citizens of the Slave States, of whom a large portion have no

interest in Slavery, would demand Emancipation; and the great work would commence. Such is the obvious course of things. To the overthrow of the Slave Power we are thus summoned by a double call, one political and the other philanthropic; first, to remove an oppressive tyranny from the National Government, and secondly, to open the gates of Emancipation in the Slave States. [Loud applause.]

But while keeping this great purpose in view, we must not forget details. The existence of Slavery any where within the national jurisdiction—in the Territories, in the District of Columbia, or on the high seas beneath the national flag, is an unconstitutional usurpation, which must be opposed. The Fugitive Slave Bill, monstrous in cruelty, as in unconstitutionality, is a usurpation, which must be opposed. The admission of new Slave States, from whatsoever quarter, from Texas or Cuba, [applause] Utah or New Mexico, must be opposed. And to every scheme of Slavery, whether in Cuba, or Mexico,—on the high seas in opening the slave-trade—in the West Indies—the Valley of the Amazon,—whether accomplished or merely plotted, whether pending or in prospect, we must send forth an EVERLASTING NO! [Long continued applause.] Such is the duty of Massachusetts, without hesitation or compromise.

Thus far I have spoken of our duties in national matters; but there are other duties of pressing importance, here at home, which must not be forgotten or postponed. It is often said that “charity should begin at home.” Better say, that *charity should begin every where*. But while contending with the Slave Power on the broad field of national politics, we must not forget the duty of protecting the liberty of all who tread the soil of Massachusetts. [Immense cheering.] Early in colonial history, Massachusetts set her face against Slavery. At the head of her Bill of Rights she solemnly asserted, that all men are born free and equal; and in the same declaration, surrounded the liberties of all within her borders by the inestimable rights of trial by jury and *Habeas Corpus*. But recent events on her own soil have taught the necessity of new safeguards to these great principles,—to the end that Massachusetts may not be a vassal of South Carolina and Virginia—that the Slave Hunter may not range at will among us, and that the liberties of all may not be violated with impunity.

But I am admonished that I must not dwell longer on these things. Suffice it to say, that our duties, in National and State affairs, are identical, and may be described by the same formula: In the one case to put the National Government, in all its departments, and in the other case the State Government, in all its departments, openly, actively and perpetually, on the side of Freedom. [Loud applause.]

II. Having considered *what* our duties are, the question now presses upon us, *how* shall they be performed? By what agency, by what instrumentality, or in what way?

The most obvious way is by choosing men to represent us in the national government, and also at home, who shall recognize these duties and be ever loyal to them; [cheers] men who at Washington will not shrink from the conflict with Slavery, and also other men, who, at home in Massachusetts will not shrink from the same conflict when the Slave Hunter appears. [Loud applause, and cries of “good,” “good.”] But in the choice of men, we are driven to the organization of parties; and here the question arises, by what form of organization, or by what party, can these men be best secured? Surely not by the Democratic party, as at present constituted; [laughter] though if this party were true to its name, pregnant with human rights, it would leave little to be desired. In this party there are doubtless individuals who are anxious to do all in their power against Slavery; but, indulge me in saying that, so long as they continue members of a party which upholds the Nebraska Bill, they can do very little. [Applause and laughter.] What may we expect from the Whig party? [A voice—Resolutions.] If more may be expected from the Whig party than the Democratic party, candor must attribute much of the difference to the fact that the Whigs are *out of power*, while the Democrats are *in power*. [“That’s the talk,” and long continued cheers.] If the cases were reversed, and the Whigs were in power, as in 1850, I fear that, notwithstanding the ardor of individuals, and the Resolutions of Conventions—[great laughter]—made, I fear, too often merely to be broken—the party might be brought to sustain an outrage as great as the Fugitive Slave Bill. [Laughter and applause.] But without dwelling on these things, (to which I allude with diffidence, and, I trust, in no uncharitable

temper, or partisan spirit,) I desire to say that no party, which calls itself national, according to the common acceptance of the word,—which leans upon a slave-holding wing, [cheers] or is in combination with slaveholders,—[cheers] can at this time be true to Massachusetts. [Great applause.] And the reason is obvious. It can be presented so as to cleave the most common understanding. *The essential element of such a party, whether declared or concealed, is Compromise; but our duties require all constitutional opposition to Slavery and the Slave Power, without Compromise.* [“That’s it,” “good,” “good.”] It is difficult, then, to see how we can rely upon the Whig party.

To the true-hearted, magnanimous men who are ready to place Freedom above Party, and their Country above Politicians, I appeal. [Immense cheering.] Let them leave the old parties, and blend in an organization, which, without compromise, will maintain the good cause surely to the end. Here in Massachusetts a large majority of the people concur in sentiment on Slavery; a large majority desire the overthrow of the Slave Power. It becomes them not to scatter their votes, but to unite in one firm, consistent phalanx, [applause] whose triumph shall constitute an epoch of Freedom, not only in this Commonwealth, but throughout the land. Such an organization is now presented by this Republican Convention, which, according to the resolutions by which it is convoked, is to co-operate with the friends of freedom in other States. [Cheers.] As *Republicans* we go forth to encounter the *Oligarchs* of Slavery. [Great applause.]

Through this organization we may most certainly secure the election of men, who, unseduced and untterrified, will uphold at Washington the principles of Freedom; and who also here at home, in our own community, by example, influence and vote, will help to invigorate Massachusetts. Indeed, I might go further and say, that, by no other organization can we reasonably hope to obtain such men, unless in rare and exceptional cases.

Men are but instruments. It will not be enough merely to choose those who are loyal. Other things must be done here at home. In the first place, all the existing laws for the protection of human freedom must be rigorously enforced; [applause, and cries of “good,”] and, since these have been found inadequate, new laws for this purpose, within the limits of the constitution, must be enacted. Massachusetts certainly might do well in following Vermont, which, by a special law, has placed the fugitive slave under the safeguard of trial by jury and the writ of *habeas corpus*. But a legislature true to Freedom, will not fail in remedies. [Applause.] A simple prohibition, declaring that no person, holding the commission of Massachusetts, as a Justice of the Peace, or other magistrate, should assume to decide a slave case, or to act as counsel of any Slave Hunter, under the penalty of forfeiting his commission, would go far to render the existing Slave Act inoperative. [Applause.] There are not many, so fond of this base trade, as to continue in it when the Commonwealth has thus set upon it a legislative brand.

But besides more rigorous legislation, Public Opinion must be invoked to step forward and throw over the fugitive its protecting panoply. A Slave Hunter will then be a by-word and reproach; and all his instruments, especially every one who volunteers in this vileness, without any positive obligation of law, will naturally be regarded as a part of his pack, and share the ignominy of the chief Hunter. [Laughter and cheers.] And now, from authentic example, drawn out of recent history, learn how the Slave Hunter may be palsied by contrition. A most successful member of the Italian police, Bolza, whose official duties involved his own personal degradation and the loathing of others, has left a record of the acute sense which even such a man retained of his shame. “I absolutely forbid my heirs,” says this penitent official, “to allow any mark of whatever kind, to be placed over the spot of my burial; much more any inscription or epitaph. I recommend my dearly beloved wife to impress upon my children the injunction, that, in soliciting any employment from the Government, they shall ask for it elsewhere than in the *executive police*, and not, unless under extraordinary circumstances, to give her consent to the marriage of any of my daughters with a member of that service.” Thus testifies the Italian instrument of legal wrong. Let public opinion here in Massachusetts once put forth its Christian might, and every instrument of the Fugitive Act will feel a kindred shame. [Great applause.]

But it is sometimes gravely urged, that since the Supreme Court of the United

States has affirmed the constitutionality of the Fugitive Act, there only remains to us in all places, whether in public station or as private citizens, the duty of absolute submission. Now, without stopping to consider the soundness of their judgment, affirming the constitutionality of this Act, let me say that the Constitution of the United States, as I understand it, exacts no such passive obedience. And, in taking the oath to support the Constitution, I have sworn to support it as I understand it, and not as other men understand it. [Loud applause. When it had subsided it was followed by three rousing cheers for Sumner.]

In adopting this rule, which was first authoritatively enunciated by Andrew Jackson, when, ~~as~~ President of the United States, in the face of the decisions of the Supreme Court, he asserted the unconstitutionality of the Bank, I desire to be understood as not acting hastily. Let me add, that if it needed other authority in its support, it has that also of John Quincy Adams. [Great applause.] And here indulge me with a reminiscence. It so happened that, during the last year in the life of this venerable statesman, while he was ill, it was my privilege to sit sometimes by his bed-side. On one of these occasions, I put the question to him directly, whether, in taking the oath to support the Constitution, he assumed any obligation to return a fugitive slave? to which the "old man eloquent" promptly and earnestly replied that, according to his interpretation of the Constitution, he assumed no such obligation;—[applause]—and proceeded to assign certain reasons therefor; and he then added, in words calculated to produce a profound impression, that "the best thing ever uttered by Andrew Jackson, was that for which, at the time, he was so much abused; namely, that in swearing to support the Constitution, he swore to support it as he understood it, and not as other men understood it." [Immense cheering and excitement.] Thus, if any person at this day be disposed to deal sharply with this rule, or with myself on account of the support which I now most conscientiously give it, let him remember that his thrusts will pierce not only myself, the humblest of its supporters, but also the great fame of Andrew Jackson and of John Quincy Adams—patriots both of eminent life and authority, who, though differing much on public questions, and at times rivals and foes, yet concurred in this important principle. [Applause.]

But reason here is in harmony with authority. From the necessity of the case I must swear to support the Constitution, either *as I do understand it*, or *as I do not understand it*. [Laughter.] But the absurdity of dangling on the latter horn of the dilemma, compels me to take the former—and there is a natural end of the argument. [Great laughter and cheers.] Is there a person in Congress or out of it, in the National Government or State Government, who, when this inevitable alternative is presented to him, will venture to say that he swears to support the Constitution as he does not understand it? [Laughter and applause.] The supposition is too preposterous. But let me ask gentlemen who are disposed to abandon their own understanding of the Constitution, to submit their conscience to the standard of other men, by whose understanding do they swear? Surely not by that of the President. This is not alleged. But by the understanding of the Supreme Court. In other words, to this Court, consisting at present of nine persons, is committed a power of fastening such interpretation as they see fit upon any part of the Constitution—adding to it or subtracting from it—or positively varying its requirements—actually making and unmaking the Constitution; and all good citizens must bow to their work as of equal authority with the original instrument, ratified by solemn votes of the whole people. [Great applause.] If this be so, then the oath to support the Constitution of the United States is hardly less offensive than the famous "*et cetera*" oath devised by Archbishop Laud, in which the subject swore to certain specified things, with an "&c." added. Such an oath I have not taken. [Good, good.]

For myself, let me say, that I hold judges, and especially the Supreme Court of the country, in much respect; but I am too familiar with the history of judicial proceedings to regard them with any superstitious reverence. [Sensation.] Judges are but men; and in all ages have shown a full share of human frailty. Alas! alas! the worst crimes of history have been perpetrated under their sanction. The blood of martyrs and of patriots, crying from the ground, summons them to judgment. It was a judicial tribunal which condemned Socrates to drink the fatal hemlock, and which pushed the Saviour barefoot over the pavements of Jerusalem, bending beneath his cross. It was a judicial tribunal which, against the testimony and entreaties of her

father, surrendered the fair Virginia as a slave ; which arrested the teachings of the great Apostle to the Gentiles, and sent him in bonds from Judea to Rome ; which, in the name of the Old Religion, adjudged the saints and fathers of the Christian church to death, in all its most dreadful forms ; and which, afterwards, in the name of the New Religion, enforced the tortures of the Inquisition, amidst the shrieks and agonies of its victims, while it compelled Galileo to declare, in solemn denial of the great truth he had disclosed, that the earth did not move round the sun. It was a judicial tribunal which, in France, during the long reign of her monarchs, lent itself to be the instrument of every tyranny, as during the brief reign of terror it did not hesitate to stand forth the un pitying accessory of the un pitying guillotine. Aye, Sir, it was a judicial tribunal in England, surrounded by all the forms of law, which sanctioned every despotic caprice of Henry the Eighth, from the unjust divorce of his queen, to the beheading of Sir Thomas More ; which lighted the fires of persecution that glowed at Oxford and Smithfield, over the cinders of Latimer, Ridley, and John Rogers ; which, after elaborate argument, upheld the fatal tyranny of ship money against the patriot resistance of Hampden ; which, in defiance of justice and humanity, sent Sidney and Russell to the block ; which persistently enforced the laws of Conformity that our Puritan Fathers persistently refused to obey ; and which afterwards, with Jeffries on the bench, crimsoned the pages of English history with massacre and murder—even with the blood of innocent woman. And it was a judicial tribunal in our country, surrounded by all the forms of law, which hung witches at Salem—which affirmed the constitutionality of the Stamp Act, while it admonished “jurors and the people” to obey—and which now, in our day, has lent its sanction to the unutterable atrocity of the Fugitive Slave Bill. [Long continued applause, and three cheers for Sumner.]

The judgments of courts are of binding authority upon inferior tribunals and executive functionaries, whose virtue does not prompt them to resign office rather than aid in the execution of an unjust law. Over all citizens, whether in public or private station, they will naturally exert, as *precedents*, a commanding influence ; this, I admit ; but no man, who is not lost to self-respect, and ready to abandon that manhood which is shown in the Heaven-directed countenance, will voluntarily aid in enforcing a judgment, which, in his conscience, he solemnly believes to be against the fundamental law, whether of the Constitution or of God. [Applause.] Not lightly, not rashly will he take the grave responsibility of open dissent ; but if the occasion requires, he will not hesitate. Pains and penalties may be endured, but wrong must not be done. [Cheers.] “I cannot obey, but I can suffer,” was the exclamation of the author of *Pilgrim’s Progress*, when imprisoned for disobedience to an earthly statute. Better suffer injustice than do it. Better be even the poor Slave, returned to bondage, than the unhappy Commissioner. [Applause and sensation.]

The whole dogma of *passive obedience* must be rejected ;—in whatever guise it may assume, and under whatever *alias* it may skulk ; whether in the tyrannical usurpations of king, parliament, or judicial tribunal ; whether in the exploded theories of Sir Robert Filmer, or the rampant assumptions of the partisans of the Fugitive Slave Bill. The rights of the civil power are limited ; there are things beyond its province ; there are matters out of its control ; there are cases in which the faithful citizen may say—aye, *must* say—“I will not obey.” No man now responds to the words of Shakspeare, “If a king bid a man be a villain, he is bound, by the indenture of his oath, to be one.” Nor will any prudent reasoner, who duly considers the rights of conscience, claim for any earthly magistrate or tribunal, howsoever styled, a power which, in this age of civilization and liberty, the loftiest monarch of a Christian throne, wearing on his brow “the round and top of sovereignty” dare not assert.

Fellow Citizens of Massachusetts :—Our own local history is not without encouragement. In early colonial days, the law against witchcraft, now so abhorrent to reason and conscience, was regarded as constitutional and binding, precisely as the Fugitive Slave Bill, not less abhorrent to reason and conscience, has been regarded as constitutional and binding. The Supreme Court of the Province, with able judges, whose names are entwined with our history, enforced this law at Salem, by the execution of fourteen persons as witches ; precisely as petty magistrates, acting under the sanction of the Supreme Court of the United States, and also of the Suprem

Court of Massachusetts, have enforced the Fugitive Act, by the reduction of two human beings to Slavery. The clergy of Massachusetts, Boston, and also Harvard College, were for the law. from the pulpit, "is the most nefarious high as opposition to the Fugitive Act was denounced."

But the law against witchcraft was not tried in the Province first became penitent, and asked of his servants and people in the late tragedy and lamenting the delusion to which they had yielded under the decision of the judges, and acknowledged that they had brought the reproach of wrongful bloodshed on their native land. Sewall, one of the judges, whose name lives freshly in the liberty-loving character of his descendant, (Hon. S. E. Sewall,) [applause,] and who had presided at the trials, stood up in his place at church, before the congregation, and implored the prayers of the people "that the errors he had committed might not be visited by the judgments of an avenging God on his country, his family, or himself." And now, in a manuscript diary of this departed judge, may be read, on the margin against the description of these trials, in his own handwriting, these words of Latin interjection and sorrow: *Væ, væ, væ.* Woe! woe! woe! [Sensation.]

The parallel between the enforcement of the law against witchcraft, and the Fugitive Act is not yet complete. It remains for our Legislature, the successor of that original General Court, to lead the penitential march. [Laughter.] In the slave cases there have been no jurymen to recant; [laughter] and it is too much, perhaps, to expect any magistrate who has sanctioned the cruelty, to imitate the magnanimity of other days by public repentance. But it is not impossible that future generations may be permitted to read, in some newly exhumed diary or letter, by one of these unhappy functionaries, words of woe not unlike those which were wrung from the soul of Sewall. [Sensation.]

And now, fellow citizens, one word in conclusion: Be of good cheer. ["That's it."] I know well the difficulties and responsibilities of the contest; but not on this account do I bate a jot of heart or hope. [Applause.] At this time, in our country, there is little else to tempt into public life an honest man, who wishes, by something that he has done, to leave the world better than he found it. There is little else which can afford any of those satisfactions which an honest man can covet. Nor is there any cause which so surely promises final success. There is nothing good—not a breathing of the common wind—which is not on our side. Ours, too, are those great allies described by the poet—

——— "exultations, agonies,
And love, and man's unconquerable mind."

And there are favoring circumstances peculiar to the present moment. By the passage of the Nebraska Bill, and the Boston kidnapping case, the tyranny of the Slave Power has become unmistakably manifest, while, at the same time, all compromises with Slavery are happily dissolved, so that Freedom now stands face to face with its foe. The pulpit, too, released from its ill-omened silence, now thunders for Freedom, as in the olden time. [Cheers.] It belongs to Massachusetts—nurse of the men and principles which made the earliest Revolution—to vow herself anew to her ancient faith, as she lifts herself to the great struggle. Her place now, as of old, is in the van, at the head of the battle. [Sensation.] But to sustain this advanced position with proper inflexibility, three things are now needed by our beloved Commonwealth, in all her departments of government—the same three things, which once in Faneuil Hall, I ventured to say were needed by every representative of the North at Washington. The first is *backbone*; [applause] the second is *BACKBONE*; [renewed applause] and the third is *BACKBONE*. [Long continued cheering, and three cheers for "back-bone."] With these, Massachusetts will be respected, and felt as a positive force in the National Government, [applause] while at home, on her own soil, free at last in reality as in name, [applause] all her people, from the islands of Boston to Berkshire hills, and from the sands of Barnstable to the northern line, will unite in the cry:

"No slave hunt in our borders—no pirate on our strand;
No fetter on the Bay State; no slave upon her land."

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